

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO

IN RE:) JUDGE RUSS KENDIG
)
FEES FOR DEBTOR'S COUNSEL)
IN A CHAPTER 13 CASE) ADMINISTRATIVE ORDER NO. 01-7

Dated at Canton, Ohio this 7th day of June, 2001.

As to all Chapter 13 cases filed on or after July 4, 2001, the court has made the following changes to its policy of allowing counsel for Chapter 13 debtors to request fees of up to \$1,050.00 without the filing of a detailed fee application:

1. If the total fee requested by counsel for Chapter 13 debtors is \$1,250.00 or less, and the fee arrangement provides that \$350.00 or less, exclusive of filing fees, will be paid prior to the filing of the bankruptcy petition, with the balance to be paid through the Chapter 13 plan, then no detailed fee application needs to be filed with this court to receive the requested fee.

2. If counsel for Chapter 13 debtors arranges to receive a payment of more than \$350.00, exclusive of filing fees, prior to the filing of the bankruptcy petition with the balance to be paid through the Chapter 13 plan, then that counsel shall only be allowed to receive a total fee of \$1,000.00 without the filing of a detailed fee application.

3. Notwithstanding any agreement with the client to the contrary, counsel are reminded that *an agreement to represent Chapter 13 debtors before this court continues until withdrawal from representation is approved by the court or the case is closed.*

4. In the absence of a signed engagement agreement with explicit payment terms, which is explicitly disclosed with the initial Rule 2016 affidavit, the court will expect that the fees referred to in paragraphs 1 and 2 above constitute full payment for the following services:

- (1) Analysis of the financial situation and rendering advice and assistance to the client in determining whether to file a petition under Title 11, United States Code including appropriate analysis of potential issues in the particular bankruptcy, including without limitation, exemptions, dischargeability and avoidance matters;
- (2) Preparation and filing of the petition, lists, statements or schedules;
- (3) Representation of the debtor at the § 341 meeting(s);
- (4) Amendments of lists, statements or schedules to comport with developments which may have occurred before or at the § 341 meeting;
- (5) Motions under § 522(f) to avoid liens on exempt property;
- (6) Motions, including but not limited to, motions for abandonment or proceedings to clear title to real property owned by the debtor; one (1) motion for relief from stay; motions for suspensions of payments; and motions to dismiss;
- (7) Removal of garnishments or wage assignments;
- (8) Attendance, if necessary, at confirmation hearings;
- (9) Negotiation with, inter alia, the trustee or holders of secured claims, regarding matters pertaining to the administration of the estate or valuation issues and representation of the debtor's interest at hearings addressing such matters thereon or at the confirmation hearing;
- (10) Appropriate participation in the prosecution of objections to claims;

- (11) Preparation and filing of one (1) modification which does not require a hearing;
and
- (12) Assisting the debtor in understanding the debtor's rights and obligations throughout the pendency of the case.

5. If the scenarios set forth in paragraph 4 are not included, counsel are required to submit a fee application to the court, even if the terms were previously disclosed with the Rule 2016 affidavit. Counsel and debtors are able to provide other terms pursuant to an agreement, but any terms other than those set forth in this order require a fee application, regardless of the amount of the compensation.

6. Requests for additional compensation will be considered in extraordinary circumstances even if it is for services included within the literal terms of this order. Motions for additional compensation will take into account the provisions of signed engagement agreements in support of such requests.

RUSS KENDIG
UNITED STATES BANKRUPTCY JUDGE